

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08cv371**

**ARGONAUT GREAT CENTRAL  
INSURANCE COMPANY,**

**Plaintiff,**

**Vs.**

**MCDOWELL COUNTY; DUDLEY  
GREENE, in his official capacity as Sheriff  
of McDowell County; JAMES BRANDON  
WATSON, in his official capacity as a  
Deputy with the McDowell County Sheriff's  
Office; KIMBERLY D. FRYE and DAVID  
L. FRYE as Co-Administrators of the Estate  
of Kennedy Elizabeth Frye; KATHERINE  
ELIZABETH FRYE; BRUCE A. ELMORE,  
JR., as Guardian Ad Litem for Katherine  
Elizabeth Frye, a minor; KIMBERLY D.  
FRYE; DAVID L. FRYE; RUTH ANN  
HUSKINS; and RONNIE HUSKINS,**

**Defendants.**

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**ORDER**

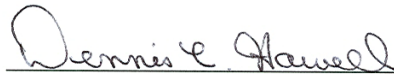
**THIS MATTER** is before the court on the court's motion for case status. On December 2, 2008, the court entered an Order in which it pointed out a number of concerns as to service of the defendants, the lack of answers from certain defendants , and a corresponding lack of motions for default. Since that time, a number of

affidavits of service have been filed; however, the court does not believe that all the concerns contained in the Order have been addressed. To that end, the court will require respective counsel to attend a status conference. The court is concerned with who has been served, whether the time for filing a responsive pleading has run as to each defendant, whether defaults will be sought, and when issues will join.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that a status conference is **CALENDARED** for Friday, March 6, 2009, at 10 a.m. in Asheville.

Signed: February 17, 2009



Dennis L. Howell  
United States Magistrate Judge

